

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THOMAS ANDERSON, et al.,

Plaintiffs,

v.

UNITED AIRLINES, INC., et al.,

Defendants

Case No. 1:23-CV-00989

Honorable Matthew F. Kennelly

**PLAINTIFFS' MOTION FOR ENLARGMENT OF TIME**

COMES NOW, the Plaintiffs, by and through undersigned counsel, and hereby respectfully moves the Court to grant an extension of thirty days for Plaintiffs to respond to the Defendants' motion to dismiss from May 22<sup>nd</sup> to June 21, 2023 due primarily to the overwhelming recent and ongoing demands of the approximately thirty-four January 6<sup>th</sup> cases counsel is involved in occurring in the District of Columbia and other cases, as well as medical circumstances regarding one of counsel's key staff members. Due to these factors, it is simply impossible at this point for counsel to meet the current deadline in any adequate way.

Most significantly, counsel John M. Pierce and his law partner Roger I. Roots are currently in a 12-count felony January 6<sup>th</sup> trial that commenced on Monday May 15<sup>th</sup> in the case of *United States v. Thomas*, 1:21-cr-00552 (DLF). This case is not anticipated to reach a verdict until at least the middle of next week, after the current May 22<sup>nd</sup> deadline in this case. Counsel's law firm is very small, and all resources of the firm are currently consumed working on this trial. From a realistic standpoint, we will simply not be able to dedicate any meaningful resources to any other case until this trial is over. (And, of course, there was an immense amount of trial preparation work that had to be completed prior to the trial.)

Counsel had completed a different January 6<sup>th</sup> nine-count felony trial in *United States v. Alberts*, Case No. 21-cr-026 (CRC) in mid-April shortly before the Motion to Dismiss was filed in this case. We did anticipate being able to dedicate sufficient time to work on our response (more likely an amended complaint as of course under Fed. R. Civ. P. 15(a)(1)) in between these two trials. However, yet another January 6<sup>th</sup> case presented extraordinary and unexpected exigent circumstances during this intervening time period.

In the case of *United States v. Todd*, 1:22-cr-166 (MAU), an expedited three-hour preliminary bond revocation hearing arose on May 2<sup>nd</sup>. As a result of that hearing, the Court agreed to modify the conditions of release for Defendant to allow him to stay free on bond pending a substantive evidentiary bond revocation hearing scheduled for May 9th. The Court's decision to not detain Defendant was contingent on my agreement to (and Court order that I) actively coordinate various aspects of the Defendant's release, including daily mental health treatment along with daily visits with pre-trial services, daily status reports, and development of a proposed plan for relocation of the Defendant to a different judicial district to present to the Court at the hearing. In addition, preparation for the substantive evidentiary bond revocation hearing had to begin immediately in light of the investigation, potential witness testimony and preparation of additional evidence needed for the revocation hearing. This required essentially a full-time effort from that date until the bond revocation hearing on May 9th to ensure my own and the Defendant's compliance with the Court's order, to ensure Defendant was not detained prior to the hearing, and to ensure adequate preparation for that hearing involving Defendant's liberty interest. Ultimately, that Defendant was not detained. However, that decision was contingent on my assisting with the execution of the relocation plan to a different judicial district that had been approved by the Court, in addition to my continued monitoring of the Defendant's

compliance and submission of weekly reports to the Court. This has continued to require substantial time.

Counsel also had to spend a large amount of time preparing for and participating in a major hearing on motions for leave to amend and to dismiss on May 11<sup>th</sup> in a major civil RICO action in United States District Court in the Northern District of California in the case of *Loomer, et al. v. Meta Platforms, et al.*, 3:22-cv-02646-LB. This hearing had been continued several times due to counsel's January 6<sup>th</sup> case commitments and could not be delayed any further.

Counsel also needed to spend substantial time on critical administrative tasks to ensure the viability and stability of his small firm to ensure it could continue to operate to represent the hundreds of clients it has in January 6<sup>th</sup> and other cases of extraordinary Constitutional and civil liberties significance (including of course this case).

Despite all of this, we were hopeful to be able to meet the current deadline, but a medical issue involving surgery arose with a key member of our staff involved in this case earlier this week. It has now simply become impossible to meet the May 22<sup>nd</sup> deadline. Counsel apologizes for the late notice of this request, but an extension of time is now urgently needed especially in light of the factual and legal complexity of this case to ensure the interests of Plaintiffs are adequately represented.

In numerous instances in the course of this litigation and an earlier related case, counsel for Plaintiffs has consistently agreed to similar procedural requests from counsel for Defendants.

Although counsel did have two January 6<sup>th</sup> trials scheduled in June, those have both been continued. As a result, the next January 6<sup>th</sup> trial is scheduled for July 10<sup>th</sup>, 2023. Thus, Plaintiffs

do not anticipate needing to make any further requests for extension of time to file their response or amended complaint. We greatly appreciate the Court's attention to this.

WHEREFORE, the Plaintiffs respectfully move for enlargement of time in order to adequately respond to Defendants' motion to dismiss from May 22<sup>nd</sup> to June 21, 2023.

Dated: May 17, 2023

Respectfully Submitted,

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